

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/38050

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C12Q 1/68  
US CL : 435/6

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 435/6

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2003/0171279 A1 (MUNGER et al) 11 September 2003 (11.09.2003), see the claims	1-30
Y	US 6,218,103 B1 (LEOPARDI et al) 17 April 2001 (17.04.2001), see the abstract.	1-30
Y	MUNGER et al. The U(S)3 protein kinase blocks apoptosis induced by the d120 mutant of herpes simplex virus 1 at a premitochondrial stage. Journal of Virology. June 2001, Vol. 75, No. 12, pages 5491-5497, see the abstract.	1-30
Y	MUNGER et al. The US3 protein kinase of herpes simplex virus 1 mediates the posttranslational modification of BAD and prevents BAD-induced programmed cell death in the absence of other viral proteins. Proc. Natl. Acad. Sci. U S A. 28 August 2001, Vol. 98, No. 18, pages 10410-1041, see the abstract.	1-30
A	GALVAN et al. Bcl-2 blocks a caspase-dependent pathway of apoptosis activated by herpes simplex virus 1 infection in HEp-2 cells. Journal of Virology. February 2000, Vol. 74, No. 4, pages 1931-1938.	1-30

 Further documents are listed in the continuation of Box C.

See patent family annex.

## \* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "B" earlier application or patent published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

07 July 2005 (07.07.2005)

02 SEP 2005

Name and mailing address of the ISA/US

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**Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)**

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed
    - filed together with the international application in computer readable form
    - furnished subsequently to this Authority for the purposes of search
2.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

Please See Continuation Sheet

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

~~No additional search fees were paid by the applicant. Consequently, the international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-30~~

Remark on Protest

  

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

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**BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING**

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-30, drawn to a method of screening an agent for activity in modulating T lymphocyte function, wherein cells express HSV Us3 polypeptide.

Group II, claim(s) 31-33, drawn to a method of screening an agent for activity in modulating T lymphocyte function, wherein cells are infected with HSV.

Group III, claim(s) 34, drawn to method for blocking suppression of cytotoxic T cell activity.

Group IV, claim(s) 35, drawn to method of suppressing cytotoxic T cell activity against target antigen.

Group V, claim(s) 36, drawn to method of screening an agent for activity in suppressing Y lymphocyte function.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The invention of Group I is known in the prior art as evidence by MUNGER et al (US 2003/0171279 A1, September 11, 2003) wherein the reference teaches a method of screening an agent for activity of T lymphocyte wherein a cell expressing a HSV Us3 polypeptide (see all the claims especially Claims 50-71). The cited evidence proves that the technical feature of Group I does not make a contribution over the prior art. Thus, the claims are not so linked by a special technical feature within the meaning of PCT Rule 13.2.

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Continuation of B. FIELDS SEARCHED Item 3:  
WEST, DERWENT, EPA, JPA, MEDLINE, BIOSIS, NPL

Herpesvirus, apoptosis, BAD, pre-apoptosis,